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Date:

May 3, 2005

To:

Amendment

United States Patent & Trademark Office

Fax:

(703) 872-9306

Phone:

From:

R. Burns Israelson

Re:

Serial No. 10/769,361 Filing Date: 01/30/2004

Docket No.: 13646.8.1.3

YOU SHOULD RECEIVE __7__ PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 801-533-9800

Comments:

Please see attached.

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CERTIFICATE OF TR Applicant(s): Ricky B. Steel	ANSMISSION BY FAC	SIMILE (37 CFR 1.8)	Docket No. 13646.8.1.3
Application No. 10/769,361	Filing Date 01/30/2004	Examiner Willis Ray Wolfe, Jr.	Group Art Unit 3747
nvention: FIBER OPTIC	System for detecting	PUMP CYCLES	·
I hereby certify that this is being facsimile transmitted.	ed to the United States Paten	Response to Office Action (Identify type of correspondence) It and Trademark Office (Fax.)	No. (703) 872-9306
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		(Signatur	<u></u>
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	TRANSMIT'	111	Docket No. 13646.8.1.3					
In Re Application Of: Ricky B. Steck, et al.								
Application No.	Filing Date 01/30/2004	Examiner Willis Ray Wolfe, Jr.	Customer No. 022913	Group Art Unit 3747	Confirmation No. 7919			
Title: FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES								
Transmitted herev	COMMISSIONER FOR PATENTS: Transmitted herewith is:							
- Response to Office Action (2 pgs) - Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 pg) - PTO-2038 Credit Card Form in the amount of \$130.00 (1 pg)								
in the above identified application. No additional fee is required.								
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R.Bu	<u>Signature</u>		Dated: M:	ay <u>3</u> ,2005				
R. BURNS ISRAN Attorney for Appl Registration No. 4	licant		doposited w sufficient pos addressed to	stage as first class the "Commissioner	respondence is being ales Postal Service with as mail in an envelope or for Patents, P.O. Box 0° [37 CFR 1.8(a)] on			
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cc:			Typed or Pri	inted Name of Person	Malling Correspondence			

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PATENT APPLICATION Docket No. 13646.8.1.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Ricky B. Steck, et al.) }
Serial No.:	10/769,361) Art Unit) 3747
Filed:	January 30, 2004) }
Conf. No.:	7919) }
For:	FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES)))
Examinor:	Willis Ray Wolfe, Jr.)
Customer No.:	022913	Ś

RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The Office Action of April 19, 2005 withdrew a previous notice of allowance and rejected claim 1. Claims 2-14 were objected to as being dependent on a rejected base claim, and claims 15-21 remained allowed.

Claim 1 was rejected under the judicially created doctrine of double patenting over claims 1 and 2 of U.S. Patent No. 6,695,593 (the "'593 patent"). In response to this double patenting rejection, Applicants submit herewith a terminal disclaimer. This terminal disclaimer

Application No. 10/769,361
Response to Office Action dated May 3, 2005
Reply to Office Action mailed 04/19/2005

is appropriate because both the present application and the '593 patent are commonly owned as shown by an assignment recorded at Reel 013276 and Frame 0124.

The terminal disclaimer overcomes the double patenting rejection of claim 1. Applicants submit that claims 2-14 are now allowable because the rejection of claim 1 has been overcome. Thus, allowance of the claims is respectfully requested. Applicants note that none of the claims have been amended by this paper.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May, 2005.

Respectfully submitted,

R. BURNS ISRAELSEN Registration No. 42,685 Attorney for Applicant Customer No. 022913

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